

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00146-MR  
[CRIMINAL CASE NO. 1:06-cr-00048-MR-DLH-1]**

<b>LESLIE WADE WALKER,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

**THIS MATTER** is before the Court on Petitioner's Motion to Vacate Conviction and Sentence under 28 U.S.C. § 2255 [Doc. 1]. Petitioner seeks relief under Johnson v. United States, 135 S. Ct. 2551 (2015).

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds: (1) the petition has not been signed under penalty of perjury, Rule 2(b)(5), 28 U.S.C.A. foll. § 2255; (2) the petition appears to be untimely under § 2255(f)(1), but the petition was filed within one year of Johnson, see § 2255(f)(3); and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a).

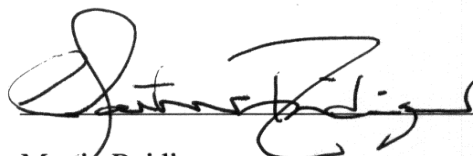
Upon consideration of the motion and the record of prior proceedings, the Court determines that the United States Attorney should file a response to Petitioner's allegations. The Court notes that attorney Joshua Carpenter of the Federal Defenders of Western North Carolina recently made an appearance on behalf of Petitioner. [Doc. 2]. Accordingly, the Court will direct Petitioner's counsel to file an amended and properly signed motion to vacate within thirty (30) days. The Government shall have thirty (30) days thereafter to respond to Petitioner's allegations.

**IT IS, THEREFORE, ORDERED** that:

1. Within thirty (30) days of entry of this Order, Petitioner's counsel shall file an amended and properly signed motion to vacate.
2. Within thirty (30) days of the filing of an amended motion to vacate, the United States Attorney shall file an Answer or other responsive pleading to Petitioner's motion.

**IT IS SO ORDERED.**

Signed: May 2, 2016

  
Martin Reidinger  
United States District Judge

